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Accused Spy Wanted Thrills, Attorney Says

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The California man accused of selling Minuteman missile and defense research secrets to Polish intelligence was motivated by "the money and the adventure," the Orange County attorney who tried to negotiate a deal for him with the government said Tuesday.

The lawyer, William A. Dougherty of Tustin, who earlier represented convicted spy Christopher Boyce, said in an interview that James D. Harper Jr. has spent all of his one-third share of the \$250,000 payoff. The remainder was to have been divided between a businessman who introduced Harper to the Polish contacts and the source of the documents, Harper's late wife.

Other Indictments Seen

Meanwhile, a government official in Washington said, "Other shoes probably will drop in the case," meaning that a federal grand jury hearing testimony in San Francisco is likely to indict Harper and others.

Dougherty said Harper had spent the money "on high living," which Dougherty said he thought included purchases of cocaine. But he said Harper relished the idea of becoming a double agent for U.S. intelligence.

The lawyer said his efforts to strike a deal for Harper, 49, of Mountain View, had been rejected by John L. Martin, chief of the Justice Department's internal security section. Harper would not agree to reveal his identity to the government without a guarantee of immunity from prosecution, Dougherty said.

Fifth Amendment

Another source close to the case said William Bell Hogle, a San Jose businessman who allegedly introduced Harper to Polish agents and was to have received one-third of the money paid for the stolen secrets, went before the grand jury Monday. Hogle spent no more than 10 minutes before the panel and invoked the Fifth Amendment pro-

tection against self-incrimination, sources said. He is expected to testify sometime later this week.

The telephone at B & B Associates, a San Jose firm that government sources said Hogle operates, went unanswered Tuesday and Hogle could not be reached for comment.

Dougherty said Harper now wants to get revenge on Hogle for allegedly involving him in the espionage effort. Harper is cooperating with FBI agents who questioned him in San Francisco Tuesday.

At his arraignment Monday, Harper said he did not want a lawyer. But Dougherty, who said he had not seen Harper for six months, met with the Silicon Valley power supply consultant after the proceedings. Harper asked him then to continue representing him, Dougherty said.

"He's terribly naive," Dougherty said. "He thinks that because he's cooperating, he's out of danger, and he's not. It's dangerous stuff he's playing with."

Dougherty said Harper paid him \$10,000 during the nearly two-year period while he was seeking to negotiate a deal with the Justice Department.

According to an arrest warrant affidavit by FBI agent Allan M. Power, Harper, Hogle and Zdzislaw Pryzgodzien, a Polish intelligence officer, agreed at a 1979 Warsaw meeting that the money paid by the Poles would be split into thirds by Harper, Hogle and the source of the documents.

The affidavit identified that source as Harper's late wife, Ruby Louise Schmier, who had a security clearance and access to classified documents at Systems Control Inc., a Palo Alto company where she worked as a secretary and bookkeeper. The firm maintained ballistic missile defense research documents at its offices and Schmier is believed to have taken Harper there on nights and weekends. Authorities said it is not clear whether Schmier received a one-third share of the money.

Swiss Bank Account

Although Dougherty quoted Harper as saying he had spent all of his share of the spying proceeds, the affidavit noted that Harper had maintained a Swiss bank account in the past and had spoken of the advisability of keeping funds in Cayman Island banks.

"Not all the money is believed to have been spent and the FBI is looking for it in various locations," a government source said.

Dougherty said Harper, who learned of the lawyer's reputation through "The Falcon and the Snowman," a book on the Boyce case, first contacted him on Sept. 25, 1981, and they met in a Santa Ana bar called the Fling.

Dougherty said that Harper, whom he knew only as "Jay" until the arraignment Monday, told him of his espionage and asked him to seek immunity from prosecution.

Dougherty contacted the Central Intelligence Agency, which dispatched two agents who submitted a lengthy list of questions to test Harper's credibility. The agents were "impressed," Dougherty recalled. "They said he was for real."

Dougherty then began his negotiations with Martin of the Justice Department. Some Justice Department officials expressed concern about legal problems that might result because the government dealt with a suspect's lawyer while conducting a separate investigation of the suspect's activities. But Dougherty said he had no such reservations and praised Martin for being straightforward.

Dougherty said the CIA knew Harper was going to Vienna to meet with Polish agents in December, 1981, but decided not to intercept or arrest him then.

"They (CIA agents) told me to advise him not to go," Dougherty recalled. "But you know, to go or not to go was really up to him, and he wanted to, and he did. In Vienna they (Polish agents) gave him a list of what they wanted. It was a one-way transaction."

Dougherty said as far as he knows Harper did not give any U.S. defense secrets to the Polish agents while he (Dougherty) was negotiating on Harper's behalf with U.S. intelligence.

Dougherty also noted that the FBI affidavit showed Harper's phone had been wiretapped by the government. Harper "is not as smart as he thought he was," Dougherty said. "He made phone calls from his house, and that's not the usual James Bond technique."